

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

ORDER GRANTING REQUEST FOR WITHDRAWAL OF VIOLATION
PETITION AND QUASH WARRANT

April 28, 2025

Name of Offender: **Marcel Carlos Vinyeta**

Case Number: **3:89CR00040**

Name of Sentencing Judicial Officer: **Honorable Howard D. McKibben**

Date of Original Sentence: **December 7, 1998**

Original Offense: **Failure to File Tax Return**

Original Sentence: **60 Months probation**

Date Supervision Commenced: **December 7, 1998**

Name of Assigned Judicial Officer: **Honorable Howard D. McKibben**

PETITIONING THE COURT

☒ To quash the warrant issued on March 20, 2006, dismiss petition, and close case.

CAUSE

On December 7, 1998, Your Honor sentenced Mr. Vinyeta to five (5) years probation for committing the offense Failure to File Tax Return. On December 7, 1998, Mr. Vinyeta started supervision and was supervised in the Eastern District of Wisconsin. Vinyeta was ordered to pay a fine in the amount of \$5,000.00, however, no payments have been made toward this obligation. His restitution had only been paid by \$560.00, with the last payment received in September 2001.

On November 21, 2001, Mr. Vinyeta was given permission to travel to Spain from November 26, 2001, to December 18, 2001, to visit his adult children. Mr. Vinyeta then requested to extend his visit to the end of 2001 due to several ailments his adult children were fighting in Spain, and this extended time was granted. On February 1, 2002, Mr. Vinyeta contacted his officer from Spain and indicated that his daughter was very ill, and his son was depressed, so he stated he

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would be remaining in Spain to care for his children. Mr. Vinyeta sent a letter to this effect as well, and indicated he would not be returning to Wisconsin, where he was being supervised.

A warrant was issued by Your Honor first on March 8, 2002, and was reissued on March 20, 2006, following a Ninth Circuit Court of Appeals reaffirmation of the absconder doctrine on August 29, 2005. The original case is a Class A misdemeanor, and the case itself is close to 30 years old. Collateral contact was made in March 2025 with agents of Immigrations and Customs Enforcement with no viable information that Mr. Vinyeta has returned to the United States of America since his departure in 2001. Mr. Vinyeta, should he return to the United States, would currently be 92 years of age given his birthdate of February 27, 1933.

Although Mr. Vinyeta did not settle his debts with the Financial Litigation Unit (FLU) through the United States Attorney's office, the probation office respectfully requests that the warrant for Mr. Vinyeta's arrest be quashed, the petition be dismissed, and his case with the District of Nevada be closed given all of the information in this petition.

Respectfully submitted,



Digitally signed by Anthony
Spinella
Date: 2025.04.28 13:40:39 -07'00'

Anthony Spinella
Senior United States Probation Officer

Approved:



Digitally signed by Erik Flocchini
Date: 2025.04.28 13:00:02 -07'00'

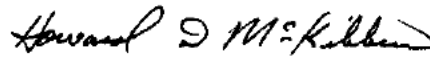
Erik Flocchini
Supervisory United States Probation Officer

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THE COURT ORDERS

- ☐ No Action.
- ☒ To dismiss petition, quash warrant and close case.
- ☐ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

April 30, 2025

Date